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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,210	09/30/2003	Kang Soo Seo	1740-000059US	9596
30593 7590 11/12/2008 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
ZHAO, DAQUAN				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
11/12/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/673,210

**Applicant(s)**

SEO ET AL.

**Examiner**

DAQUAN ZHAO

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,8-11,13,16,19,22 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,8-11,13,16,19,22 and 24-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/28/2008; 10/2/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 9/15/2008 have been fully considered but they are not persuasive.
2. On pages 8-10 of the remark, applicant argues claims 1, 3 and 24 permit functionality of the data structure to be realized. The examiner disagrees.

Claims 1, 3, and 24 recites an "intended use" of the data structure "for managing reproduction of graphic data by a reproducing apparatus". The body of the claim 1 does not have any step to perform the management of the "graphic data". Although claim 1 is directed to "a computer readable medium storing a data structure", **the claim does not define structural and functional interrelationships between the data structure and the computer software and hardware component.** Therefore, the claim does not permit the functionality of the computer readable medium to be realized.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3, 24 and 29 are rejected under 35 U.S.C. 101 because claims are directed to non-statutory subject matter.

Claims 1, 3, and 24 recites an "intended use" of the data structure "for managing reproduction of graphic data by a reproducing apparatus". The body of the claim 1 does not have any step to perform the management of the "graphic data". Although claim 1 is

directed to "a computer readable medium storing a data structure", **the claim does not define structural and functional interrelationships between the data structure and the computer software and hardware component.** Therefore, the claim does not permit the functionality of the computer readable medium to be realized.

4. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 7/28/2008 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3, 8, 9, 10, 11, 13, 16, 19, 22, 29-33 rejected under 35 U.S.C. 102(b) as being anticipated by Okada et al (US 6,445,877 B1), hereinafter referenced as Okada.

For claim 1, Okada teach a computer readable medium storing a data structure for managing reproduction of graphic data by a reproducing apparatus (e.g. abstract, column 4, lines 52-65), comprising:

a data area storing a plurality of transport packets multiplexed with other data, the transport packets representing one or more graphic segment (e.g. column 20, line 41-column 21, line 18 and figure 21, one block includes a plurality of transport packets. the I picture data corresponds to the claimed "graphic segment", the non-I picture corresponds to "other data", also see figure 5, I picture is multiplexed with B and P pictures or "another" I picture can also corresponds to the claimed "other data") wherein,

each transport packet in a graphic segment has a same packet identifier (e.g. FLAG = 1 to identified as I picture data),

at least one transport packet in the graphic segment includes an identifier that the transport packet is part of a graphics packet (e.g. FLAG = 1 to identified as I picture data),

the at least one transport packet in the graphic segment includes graphic information for managing reproducing of graphic images (e.g. PCR indicative of time for input of the data to a decoder), and

another at least one transport packet in the graphic segment includes time stamp of the graphic images (PTS stands for presentation Time Stamp).

Claim 8 is rejected for the same reasons as discussed in claim 1 above.

Claim 9 is rejected for the same reasons as discussed in claim 1 above, wherein figure 18 shows a reproduction device includes a controller 1711.

Claim 10 is rejected for the same reasons as discussed in claim 1 above.

Claim 11 is rejected for the same reasons as discussed in claim 1 above, wherein figure 19 shows a optical recording device, encoder 1904 and a system controller 1902.

For claims 3, 13, 16, 19 and 22, Okada teach other data includes at lease one of movie data, audio data and still picture data (B and P picture can be movie data or "another" I picture can also corresponds to the claimed "other data" because the I picture is a still picture).

For claims 29-33, Okada teach reproducing one or more graphic segments using a playlist (e.g. the PCR map corresponds to the playlist for the I picture (graphic segment)).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 24-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Okada as applied to claims 1,3, 8, 9, 10, 11, 13, 16, 19, 22, 29-33 above, and further in view of Kikuchi et al (US 6,553,180 B1).

For claims 24-28, Okada fail to teach graphic information includes information on position to display the graphic images, presentation time to display the graphic images, and duration to display the graphic images. Kikuchi et al teach graphic information

includes information on position to display the graphic images (e.g. column 22, line 2), presentation time to display the graphic images (e.g. column 17, line 7), and duration to display the graphic images (e.g. column 25, lines 5-6). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kikuchi et al into the teaching of Okada to increase the system efficiency.

9. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 7/28/2008 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period. Then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daquan Zhao

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621